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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM VASQUEZ MARTINEZ, Petitioner, vs. MIKE MCDONALD, WARDEN, SOLANO STATE PRISON, Respondent.	**Case No.: C08 05232 RMW** PETITIONER'S REQUEST FOR STAY OF FEDERAL PROCEEDINGS PENDING PROPER EXHAUSTION OF STATE HABEAS REMEDIES

TO THE HONORABLE JUDGE RONALD M. WHYTE:

Petitioner, WILLIAM VASQUEZ MARTINEZ, appearing by and through his attorney, RICK HOROWITZ, is currently under this court's jurisdiction pursuant to 28 U.S.C. § 2254 challenging the sentence he received for various state crimes as detailed in the previously-filed petition for a writ of habeas corpus.

Petitioner hereby requests a stay of the proceedings to allow him to more fully exhaust Federal claims in State Supreme Court. (*Kelly v. Small* (2003 9th Cir.) 315 F.3d 1063, 1069-1071)

CASE HISTORY

On November 19, 2008 petitioner, by and through his attorney, filed a Petition for Writ of Habeas Corpus.

As more fully set forth in the accompanying Declaration of counsel, petitioner now requests a stay be granted to allow petitioner, through his counsel, to return to the

California State Supreme Court and file the appropriate Petition for Writ of Habeas Corpus which will properly exhaust his State remedies regarding the denial of counsel of choice. Other claims put forth in the federal Petition for Writ of Habeas Corpus are believed to have been properly exhausted at the state level.

CONCLUSION

Wherefore in the interest of justice, and with good cause shown, petitioner respectfully requests that this Honorable Court grant his request to stay the instant Federal Court proceedings and "hold the exhausted claims in abeyance until the unexhausted claims are exhausted and then allow the petitioner to amend the stayed petition to add the now-exhausted claims" pending the decision of the California Supreme Court. (*Kelly v. Small*, *supra*, 315 F.3d at p.1069.)

DATED: January 13, 2009. Respectfully submitted,

/S/___________________________
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